

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

JACQUELINE E. SMITH,

Plaintiff,

Case No. 24-cv-275-pp

v.

SAMANTHA CARRILLO, CHERYL WARD,  
CHRISTINA WELCH and CHILD PROTECTIVE SERVICES,

Defendants.

---

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR FAILURE TO PAY  
FILING FEE**

---

On August 15, 2024, the court denied the plaintiff's motion for leave to proceed without prepaying the filing fee and ordered her to pay the \$405 filing fee by the end of the day on September 6, 2024; the court warned the plaintiff that if it did not receive the filing fee by that deadline the court could dismiss the case. Dkt. No. 5 at 2-3. On August 27, 2024, the court received from the plaintiff a letter explaining that she was returning to work on September 3, 2024 and asked for additional time to pay the filing fee. Dkt. No. 5. The court construed the letter as a motion to waive the filing fee or to extend the deadline by which to pay it; the court gave the plaintiff additional time to pay the fee. Dkt. No. 6. The court ordered the plaintiff to pay the fee in time for the court to receive it by the end of the day on November 1, 2024; again, the court advised her that if the court didn't receive the filing fee by that deadline, it would dismiss the case on the next business day. Id. at 2. As of November 13, 2024,

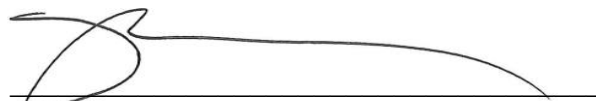
the court has not received the filing fee. The court's September 11, 2024 order has not been returned to the court as undeliverable; the court has no reason to believe that the plaintiff did not receive that order. As the court warned the plaintiff it would, it will dismiss the case for her failure to pay the filing fee.

The court **ORDERS** that the case is **DISMISSED WITHOUT PREJUDICE** for the plaintiff's failure to pay the filing fee and for failure to comply with the court's order. The clerk will enter judgment accordingly.

The plaintiff incurred the filing fee when she filed the complaint. Even if the court had given her permission to proceed without prepaying the filing fee, she still would be responsible for paying the fee. See Rosas v. Roman Catholic Archdiocese of Chi., 748 F. App'x 64, 65 (7th Cir. 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without prepayment of fees,' but not without ever paying fees."). The full amount remains due and should be paid to the Clerk of Court.

Dated in Milwaukee, Wisconsin this 13th day of November, 2024.

**BY THE COURT:**

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

**HON. PAMELA PEPPER**  
**Chief United States District Judge**